

HB5393



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5393

by Rep. Mark Batinick - Grant Wehrli - Avery Bourne - Amy Grant

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

Amends the Rights of Crime Victims and Witnesses Act. Provides that in a case of domestic violence as defined in the Code of Criminal Procedure of 1963, the warden or other official in charge of a county jail, county department of corrections, municipal house of correction, or municipal lockup, or his or her designee, shall immediately notify the crime victim of the defendant's release from custody.

LRB101 15858 RLC 65215 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges, and corrections will provide information,
10 as appropriate, of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (a-5) When law enforcement authorities reopen a closed case
19 to resume investigating, they shall provide notice of the
20 reopening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (b) The office of the State's Attorney:

1 (1) shall provide notice of the filing of an
2 information, the return of an indictment, or the filing of
3 a petition to adjudicate a minor as a delinquent for a
4 violent crime;

5 (2) shall provide timely notice of the date, time, and
6 place of court proceedings; of any change in the date,
7 time, and place of court proceedings; and of any
8 cancellation of court proceedings. Notice shall be
9 provided in sufficient time, wherever possible, for the
10 victim to make arrangements to attend or to prevent an
11 unnecessary appearance at court proceedings;

12 (3) or victim advocate personnel shall provide
13 information of social services and financial assistance
14 available for victims of crime, including information of
15 how to apply for these services and assistance;

16 (3.5) or victim advocate personnel shall provide
17 information about available victim services, including
18 referrals to programs, counselors, and agencies that
19 assist a victim to deal with trauma, loss, and grief;

20 (4) shall assist in having any stolen or other personal
21 property held by law enforcement authorities for
22 evidentiary or other purposes returned as expeditiously as
23 possible, pursuant to the procedures set out in Section
24 115-9 of the Code of Criminal Procedure of 1963;

25 (5) or victim advocate personnel shall provide
26 appropriate employer intercession services to ensure that

1 employers of victims will cooperate with the criminal
2 justice system in order to minimize an employee's loss of
3 pay and other benefits resulting from court appearances;

4 (6) shall provide, whenever possible, a secure waiting
5 area during court proceedings that does not require victims
6 to be in close proximity to defendants or juveniles accused
7 of a violent crime, and their families and friends;

8 (7) shall provide notice to the crime victim of the
9 right to have a translator present at all court proceedings
10 and, in compliance with the federal Americans with
11 Disabilities Act of 1990, the right to communications
12 access through a sign language interpreter or by other
13 means;

14 (8) (blank);

15 (8.5) shall inform the victim of the right to be
16 present at all court proceedings, unless the victim is to
17 testify and the court determines that the victim's
18 testimony would be materially affected if the victim hears
19 other testimony at trial;

20 (9) shall inform the victim of the right to have
21 present at all court proceedings, subject to the rules of
22 evidence and confidentiality, an advocate and other
23 support person of the victim's choice;

24 (9.3) shall inform the victim of the right to retain an
25 attorney, at the victim's own expense, who, upon written
26 notice filed with the clerk of the court and State's

1 Attorney, is to receive copies of all notices, motions, and
2 court orders filed thereafter in the case, in the same
3 manner as if the victim were a named party in the case;

4 (9.5) shall inform the victim of (A) the victim's right
5 under Section 6 of this Act to make a statement at the
6 sentencing hearing; (B) the right of the victim's spouse,
7 guardian, parent, grandparent, and other immediate family
8 and household members under Section 6 of this Act to
9 present a statement at sentencing; and (C) if a presentence
10 report is to be prepared, the right of the victim's spouse,
11 guardian, parent, grandparent, and other immediate family
12 and household members to submit information to the preparer
13 of the presentence report about the effect the offense has
14 had on the victim and the person;

15 (10) at the sentencing shall make a good faith attempt
16 to explain the minimum amount of time during which the
17 defendant may actually be physically imprisoned. The
18 Office of the State's Attorney shall further notify the
19 crime victim of the right to request from the Prisoner
20 Review Board or Department of Juvenile Justice information
21 concerning the release of the defendant;

22 (11) shall request restitution at sentencing and as
23 part of a plea agreement if the victim requests
24 restitution;

25 (12) shall, upon the court entering a verdict of not
26 guilty by reason of insanity, inform the victim of the

1 notification services available from the Department of
2 Human Services, including the statewide telephone number,
3 under subparagraph (d) (2) of this Section;

4 (13) shall provide notice within a reasonable time
5 after receipt of notice from the custodian, of the release
6 of the defendant on bail or personal recognizance or the
7 release from detention of a minor who has been detained;

8 (14) shall explain in nontechnical language the
9 details of any plea or verdict of a defendant, or any
10 adjudication of a juvenile as a delinquent;

11 (15) shall make all reasonable efforts to consult with
12 the crime victim before the Office of the State's Attorney
13 makes an offer of a plea bargain to the defendant or enters
14 into negotiations with the defendant concerning a possible
15 plea agreement, and shall consider the written statement,
16 if prepared prior to entering into a plea agreement. The
17 right to consult with the prosecutor does not include the
18 right to veto a plea agreement or to insist the case go to
19 trial. If the State's Attorney has not consulted with the
20 victim prior to making an offer or entering into plea
21 negotiations with the defendant, the Office of the State's
22 Attorney shall notify the victim of the offer or the
23 negotiations within 2 business days and confer with the
24 victim;

25 (16) shall provide notice of the ultimate disposition
26 of the cases arising from an indictment or an information,

1 or a petition to have a juvenile adjudicated as a
2 delinquent for a violent crime;

3 (17) shall provide notice of any appeal taken by the
4 defendant and information on how to contact the appropriate
5 agency handling the appeal, and how to request notice of
6 any hearing, oral argument, or decision of an appellate
7 court;

8 (18) shall provide timely notice of any request for
9 post-conviction review filed by the defendant under
10 Article 122 of the Code of Criminal Procedure of 1963, and
11 of the date, time and place of any hearing concerning the
12 petition. Whenever possible, notice of the hearing shall be
13 given within 48 hours of the court's scheduling of the
14 hearing; and

15 (19) shall forward a copy of any statement presented
16 under Section 6 to the Prisoner Review Board or Department
17 of Juvenile Justice to be considered in making a
18 determination under Section 3-2.5-85 or subsection (b) of
19 Section 3-3-8 of the Unified Code of Corrections.

20 (c) The court shall ensure that the rights of the victim
21 are afforded.

22 (c-5) The following procedures shall be followed to afford
23 victims the rights guaranteed by Article I, Section 8.1 of the
24 Illinois Constitution:

25 (1) Written notice. A victim may complete a written
26 notice of intent to assert rights on a form prepared by the

1 Office of the Attorney General and provided to the victim
2 by the State's Attorney. The victim may at any time provide
3 a revised written notice to the State's Attorney. The
4 State's Attorney shall file the written notice with the
5 court. At the beginning of any court proceeding in which
6 the right of a victim may be at issue, the court and
7 prosecutor shall review the written notice to determine
8 whether the victim has asserted the right that may be at
9 issue.

10 (2) Victim's retained attorney. A victim's attorney
11 shall file an entry of appearance limited to assertion of
12 the victim's rights. Upon the filing of the entry of
13 appearance and service on the State's Attorney and the
14 defendant, the attorney is to receive copies of all
15 notices, motions and court orders filed thereafter in the
16 case.

17 (3) Standing. The victim has standing to assert the
18 rights enumerated in subsection (a) of Article I, Section
19 8.1 of the Illinois Constitution and the statutory rights
20 under Section 4 of this Act in any court exercising
21 jurisdiction over the criminal case. The prosecuting
22 attorney, a victim, or the victim's retained attorney may
23 assert the victim's rights. The defendant in the criminal
24 case has no standing to assert a right of the victim in any
25 court proceeding, including on appeal.

26 (4) Assertion of and enforcement of rights.

1 (A) The prosecuting attorney shall assert a
2 victim's right or request enforcement of a right by
3 filing a motion or by orally asserting the right or
4 requesting enforcement in open court in the criminal
5 case outside the presence of the jury. The prosecuting
6 attorney shall consult with the victim and the victim's
7 attorney regarding the assertion or enforcement of a
8 right. If the prosecuting attorney decides not to
9 assert or enforce a victim's right, the prosecuting
10 attorney shall notify the victim or the victim's
11 attorney in sufficient time to allow the victim or the
12 victim's attorney to assert the right or to seek
13 enforcement of a right.

14 (B) If the prosecuting attorney elects not to
15 assert a victim's right or to seek enforcement of a
16 right, the victim or the victim's attorney may assert
17 the victim's right or request enforcement of a right by
18 filing a motion or by orally asserting the right or
19 requesting enforcement in open court in the criminal
20 case outside the presence of the jury.

21 (C) If the prosecuting attorney asserts a victim's
22 right or seeks enforcement of a right, and the court
23 denies the assertion of the right or denies the request
24 for enforcement of a right, the victim or victim's
25 attorney may file a motion to assert the victim's right
26 or to request enforcement of the right within 10 days

1 of the court's ruling. The motion need not demonstrate
2 the grounds for a motion for reconsideration. The court
3 shall rule on the merits of the motion.

4 (D) The court shall take up and decide any motion
5 or request asserting or seeking enforcement of a
6 victim's right without delay, unless a specific time
7 period is specified by law or court rule. The reasons
8 for any decision denying the motion or request shall be
9 clearly stated on the record.

10 (5) Violation of rights and remedies.

11 (A) If the court determines that a victim's right
12 has been violated, the court shall determine the
13 appropriate remedy for the violation of the victim's
14 right by hearing from the victim and the parties,
15 considering all factors relevant to the issue, and then
16 awarding appropriate relief to the victim.

17 (A-5) Consideration of an issue of a substantive
18 nature or an issue that implicates the constitutional
19 or statutory right of a victim at a court proceeding
20 labeled as a status hearing shall constitute a per se
21 violation of a victim's right.

22 (B) The appropriate remedy shall include only
23 actions necessary to provide the victim the right to
24 which the victim was entitled and may include reopening
25 previously held proceedings; however, in no event
26 shall the court vacate a conviction. Any remedy shall

1 be tailored to provide the victim an appropriate remedy
2 without violating any constitutional right of the
3 defendant. In no event shall the appropriate remedy be
4 a new trial, damages, or costs.

5 (6) Right to be heard. Whenever a victim has the right
6 to be heard, the court shall allow the victim to exercise
7 the right in any reasonable manner the victim chooses.

8 (7) Right to attend trial. A party must file a written
9 motion to exclude a victim from trial at least 60 days
10 prior to the date set for trial. The motion must state with
11 specificity the reason exclusion is necessary to protect a
12 constitutional right of the party, and must contain an
13 offer of proof. The court shall rule on the motion within
14 30 days. If the motion is granted, the court shall set
15 forth on the record the facts that support its finding that
16 the victim's testimony will be materially affected if the
17 victim hears other testimony at trial.

18 (8) Right to have advocate and support person present
19 at court proceedings.

20 (A) A party who intends to call an advocate as a
21 witness at trial must seek permission of the court
22 before the subpoena is issued. The party must file a
23 written motion at least 90 days before trial that sets
24 forth specifically the issues on which the advocate's
25 testimony is sought and an offer of proof regarding (i)
26 the content of the anticipated testimony of the

1 advocate; and (ii) the relevance, admissibility, and
2 materiality of the anticipated testimony. The court
3 shall consider the motion and make findings within 30
4 days of the filing of the motion. If the court finds by
5 a preponderance of the evidence that: (i) the
6 anticipated testimony is not protected by an absolute
7 privilege; and (ii) the anticipated testimony contains
8 relevant, admissible, and material evidence that is
9 not available through other witnesses or evidence, the
10 court shall issue a subpoena requiring the advocate to
11 appear to testify at an in camera hearing. The
12 prosecuting attorney and the victim shall have 15 days
13 to seek appellate review before the advocate is
14 required to testify at an ex parte in camera
15 proceeding.

16 The prosecuting attorney, the victim, and the
17 advocate's attorney shall be allowed to be present at
18 the ex parte in camera proceeding. If, after conducting
19 the ex parte in camera hearing, the court determines
20 that due process requires any testimony regarding
21 confidential or privileged information or
22 communications, the court shall provide to the
23 prosecuting attorney, the victim, and the advocate's
24 attorney a written memorandum on the substance of the
25 advocate's testimony. The prosecuting attorney, the
26 victim, and the advocate's attorney shall have 15 days

1 to seek appellate review before a subpoena may be
2 issued for the advocate to testify at trial. The
3 presence of the prosecuting attorney at the ex parte in
4 camera proceeding does not make the substance of the
5 advocate's testimony that the court has ruled
6 inadmissible subject to discovery.

7 (B) If a victim has asserted the right to have a
8 support person present at the court proceedings, the
9 victim shall provide the name of the person the victim
10 has chosen to be the victim's support person to the
11 prosecuting attorney, within 60 days of trial. The
12 prosecuting attorney shall provide the name to the
13 defendant. If the defendant intends to call the support
14 person as a witness at trial, the defendant must seek
15 permission of the court before a subpoena is issued.
16 The defendant must file a written motion at least 45
17 days prior to trial that sets forth specifically the
18 issues on which the support person will testify and an
19 offer of proof regarding: (i) the content of the
20 anticipated testimony of the support person; and (ii)
21 the relevance, admissibility, and materiality of the
22 anticipated testimony.

23 If the prosecuting attorney intends to call the
24 support person as a witness during the State's
25 case-in-chief, the prosecuting attorney shall inform
26 the court of this intent in the response to the

1 defendant's written motion. The victim may choose a
2 different person to be the victim's support person. The
3 court may allow the defendant to inquire about matters
4 outside the scope of the direct examination during
5 cross-examination. If the court allows the defendant
6 to do so, the support person shall be allowed to remain
7 in the courtroom after the support person has
8 testified. A defendant who fails to question the
9 support person about matters outside the scope of
10 direct examination during the State's case-in-chief
11 waives the right to challenge the presence of the
12 support person on appeal. The court shall allow the
13 support person to testify if called as a witness in the
14 defendant's case-in-chief or the State's rebuttal.

15 If the court does not allow the defendant to
16 inquire about matters outside the scope of the direct
17 examination, the support person shall be allowed to
18 remain in the courtroom after the support person has
19 been called by the defendant or the defendant has
20 rested. The court shall allow the support person to
21 testify in the State's rebuttal.

22 If the prosecuting attorney does not intend to call
23 the support person in the State's case-in-chief, the
24 court shall verify with the support person whether the
25 support person, if called as a witness, would testify
26 as set forth in the offer of proof. If the court finds

1 that the support person would testify as set forth in
2 the offer of proof, the court shall rule on the
3 relevance, materiality, and admissibility of the
4 anticipated testimony. If the court rules the
5 anticipated testimony is admissible, the court shall
6 issue the subpoena. The support person may remain in
7 the courtroom after the support person testifies and
8 shall be allowed to testify in rebuttal.

9 If the court excludes the victim's support person
10 during the State's case-in-chief, the victim shall be
11 allowed to choose another support person to be present
12 in court.

13 If the victim fails to designate a support person
14 within 60 days of trial and the defendant has
15 subpoenaed the support person to testify at trial, the
16 court may exclude the support person from the trial
17 until the support person testifies. If the court
18 excludes the support person the victim may choose
19 another person as a support person.

20 (9) Right to notice and hearing before disclosure of
21 confidential or privileged information or records. A
22 defendant who seeks to subpoena records of or concerning
23 the victim that are confidential or privileged by law must
24 seek permission of the court before the subpoena is issued.
25 The defendant must file a written motion and an offer of
26 proof regarding the relevance, admissibility and

1 materiality of the records. If the court finds by a
2 preponderance of the evidence that: (A) the records are not
3 protected by an absolute privilege and (B) the records
4 contain relevant, admissible, and material evidence that
5 is not available through other witnesses or evidence, the
6 court shall issue a subpoena requiring a sealed copy of the
7 records be delivered to the court to be reviewed in camera.
8 If, after conducting an in camera review of the records,
9 the court determines that due process requires disclosure
10 of any portion of the records, the court shall provide
11 copies of what it intends to disclose to the prosecuting
12 attorney and the victim. The prosecuting attorney and the
13 victim shall have 30 days to seek appellate review before
14 the records are disclosed to the defendant. The disclosure
15 of copies of any portion of the records to the prosecuting
16 attorney does not make the records subject to discovery.

17 (10) Right to notice of court proceedings. If the
18 victim is not present at a court proceeding in which a
19 right of the victim is at issue, the court shall ask the
20 prosecuting attorney whether the victim was notified of the
21 time, place, and purpose of the court proceeding and that
22 the victim had a right to be heard at the court proceeding.
23 If the court determines that timely notice was not given or
24 that the victim was not adequately informed of the nature
25 of the court proceeding, the court shall not rule on any
26 substantive issues, accept a plea, or impose a sentence and

1 shall continue the hearing for the time necessary to notify
2 the victim of the time, place and nature of the court
3 proceeding. The time between court proceedings shall not be
4 attributable to the State under Section 103-5 of the Code
5 of Criminal Procedure of 1963.

6 (11) Right to timely disposition of the case. A victim
7 has the right to timely disposition of the case so as to
8 minimize the stress, cost, and inconvenience resulting
9 from the victim's involvement in the case. Before ruling on
10 a motion to continue trial or other court proceeding, the
11 court shall inquire into the circumstances for the request
12 for the delay and, if the victim has provided written
13 notice of the assertion of the right to a timely
14 disposition, and whether the victim objects to the delay.
15 If the victim objects, the prosecutor shall inform the
16 court of the victim's objections. If the prosecutor has not
17 conferred with the victim about the continuance, the
18 prosecutor shall inform the court of the attempts to
19 confer. If the court finds the attempts of the prosecutor
20 to confer with the victim were inadequate to protect the
21 victim's right to be heard, the court shall give the
22 prosecutor at least 3 but not more than 5 business days to
23 confer with the victim. In ruling on a motion to continue,
24 the court shall consider the reasons for the requested
25 continuance, the number and length of continuances that
26 have been granted, the victim's objections and procedures

1 to avoid further delays. If a continuance is granted over
2 the victim's objection, the court shall specify on the
3 record the reasons for the continuance and the procedures
4 that have been or will be taken to avoid further delays.

5 (12) Right to Restitution.

6 (A) If the victim has asserted the right to
7 restitution and the amount of restitution is known at
8 the time of sentencing, the court shall enter the
9 judgment of restitution at the time of sentencing.

10 (B) If the victim has asserted the right to
11 restitution and the amount of restitution is not known
12 at the time of sentencing, the prosecutor shall, within
13 5 days after sentencing, notify the victim what
14 information and documentation related to restitution
15 is needed and that the information and documentation
16 must be provided to the prosecutor within 45 days after
17 sentencing. Failure to timely provide information and
18 documentation related to restitution shall be deemed a
19 waiver of the right to restitution. The prosecutor
20 shall file and serve within 60 days after sentencing a
21 proposed judgment for restitution and a notice that
22 includes information concerning the identity of any
23 victims or other persons seeking restitution, whether
24 any victim or other person expressly declines
25 restitution, the nature and amount of any damages
26 together with any supporting documentation, a

1 restitution amount recommendation, and the names of
2 any co-defendants and their case numbers. Within 30
3 days after receipt of the proposed judgment for
4 restitution, the defendant shall file any objection to
5 the proposed judgment, a statement of grounds for the
6 objection, and a financial statement. If the defendant
7 does not file an objection, the court may enter the
8 judgment for restitution without further proceedings.
9 If the defendant files an objection and either party
10 requests a hearing, the court shall schedule a hearing.

11 (13) Access to presentence reports.

12 (A) The victim may request a copy of the
13 presentence report prepared under the Unified Code of
14 Corrections from the State's Attorney. The State's
15 Attorney shall redact the following information before
16 providing a copy of the report:

17 (i) the defendant's mental history and
18 condition;

19 (ii) any evaluation prepared under subsection
20 (b) or (b-5) of Section 5-3-2; and

21 (iii) the name, address, phone number, and
22 other personal information about any other victim.

23 (B) The State's Attorney or the defendant may
24 request the court redact other information in the
25 report that may endanger the safety of any person.

26 (C) The State's Attorney may orally disclose to the

1 victim any of the information that has been redacted if
2 there is a reasonable likelihood that the information
3 will be stated in court at the sentencing.

4 (D) The State's Attorney must advise the victim
5 that the victim must maintain the confidentiality of
6 the report and other information. Any dissemination of
7 the report or information that was not stated at a
8 court proceeding constitutes indirect criminal
9 contempt of court.

10 (14) Appellate relief. If the trial court denies the
11 relief requested, the victim, the victim's attorney, or the
12 prosecuting attorney may file an appeal within 30 days of
13 the trial court's ruling. The trial or appellate court may
14 stay the court proceedings if the court finds that a stay
15 would not violate a constitutional right of the defendant.
16 If the appellate court denies the relief sought, the
17 reasons for the denial shall be clearly stated in a written
18 opinion. In any appeal in a criminal case, the State may
19 assert as error the court's denial of any crime victim's
20 right in the proceeding to which the appeal relates.

21 (15) Limitation on appellate relief. In no case shall
22 an appellate court provide a new trial to remedy the
23 violation of a victim's right.

24 (16) The right to be reasonably protected from the
25 accused throughout the criminal justice process and the
26 right to have the safety of the victim and the victim's

1 family considered in denying or fixing the amount of bail,
2 determining whether to release the defendant, and setting
3 conditions of release after arrest and conviction. A victim
4 of domestic violence, a sexual offense, or stalking may
5 request the entry of a protective order under Article 112A
6 of the Code of Criminal Procedure of 1963.

7 (d) Procedures after the imposition of sentence.

8 (1) The Prisoner Review Board shall inform a victim or
9 any other concerned citizen, upon written request, of the
10 prisoner's release on parole, mandatory supervised
11 release, electronic detention, work release, international
12 transfer or exchange, or by the custodian, other than the
13 Department of Juvenile Justice, of the discharge of any
14 individual who was adjudicated a delinquent for a crime
15 from State custody and by the sheriff of the appropriate
16 county of any such person's final discharge from county
17 custody. The Prisoner Review Board, upon written request,
18 shall provide to a victim or any other concerned citizen a
19 recent photograph of any person convicted of a felony, upon
20 his or her release from custody. The Prisoner Review Board,
21 upon written request, shall inform a victim or any other
22 concerned citizen when feasible at least 7 days prior to
23 the prisoner's release on furlough of the times and dates
24 of such furlough. Upon written request by the victim or any
25 other concerned citizen, the State's Attorney shall notify
26 the person once of the times and dates of release of a

1 prisoner sentenced to periodic imprisonment. Notification
2 shall be based on the most recent information as to
3 victim's or other concerned citizen's residence or other
4 location available to the notifying authority.

5 (2) When the defendant has been committed to the
6 Department of Human Services pursuant to Section 5-2-4 or
7 any other provision of the Unified Code of Corrections, the
8 victim may request to be notified by the releasing
9 authority of the approval by the court of an on-grounds
10 pass, a supervised off-grounds pass, an unsupervised
11 off-grounds pass, or conditional release; the release on an
12 off-grounds pass; the return from an off-grounds pass;
13 transfer to another facility; conditional release; escape;
14 death; or final discharge from State custody. The
15 Department of Human Services shall establish and maintain a
16 statewide telephone number to be used by victims to make
17 notification requests under these provisions and shall
18 publicize this telephone number on its website and to the
19 State's Attorney of each county.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile
22 Justice immediately shall notify the Prisoner Review Board
23 of the escape and the Prisoner Review Board shall notify
24 the victim. The notification shall be based upon the most
25 recent information as to the victim's residence or other
26 location available to the Board. When no such information

1 is available, the Board shall make all reasonable efforts
2 to obtain the information and make the notification. When
3 the escapee is apprehended, the Department of Corrections
4 or the Department of Juvenile Justice immediately shall
5 notify the Prisoner Review Board and the Board shall notify
6 the victim.

7 (4) The victim of the crime for which the prisoner has
8 been sentenced has the right to register with the Prisoner
9 Review Board's victim registry. Victims registered with
10 the Board shall receive reasonable written notice not less
11 than 30 days prior to the parole hearing or target
12 aftercare release date. The victim has the right to submit
13 a victim statement for consideration by the Prisoner Review
14 Board or the Department of Juvenile Justice in writing, on
15 film, videotape, or other electronic means, or in the form
16 of a recording prior to the parole hearing or target
17 aftercare release date, or in person at the parole hearing
18 or aftercare release protest hearing, or by calling the
19 toll-free number established in subsection (f) of this
20 Section. 7 The victim shall be notified within 7 days after
21 the prisoner has been granted parole or aftercare release
22 and shall be informed of the right to inspect the registry
23 of parole decisions, established under subsection (g) of
24 Section 3-3-5 of the Unified Code of Corrections. The
25 provisions of this paragraph (4) are subject to the Open
26 Parole Hearings Act. Victim statements provided to the

1 Board shall be confidential and privileged, including any
2 statements received prior to January 1, 2020 (the effective
3 date of Public Act 101-288) ~~this amendatory Act of the~~
4 ~~101st General Assembly~~, except if the statement was an oral
5 statement made by the victim at a hearing open to the
6 public.

7 (4-1) The crime victim has the right to submit a victim
8 statement for consideration by the Prisoner Review Board or
9 the Department of Juvenile Justice prior to or at a hearing
10 to determine the conditions of mandatory supervised
11 release of a person sentenced to a determinate sentence or
12 at a hearing on revocation of mandatory supervised release
13 of a person sentenced to a determinate sentence. A victim
14 statement may be submitted in writing, on film, videotape,
15 or other electronic means, or in the form of a recording,
16 or orally at a hearing, or by calling the toll-free number
17 established in subsection (f) of this Section. Victim
18 statements provided to the Board shall be confidential and
19 privileged, including any statements received prior to
20 January 1, 2020 (the effective date of Public Act 101-288)
21 ~~this amendatory Act of the 101st General Assembly~~, except
22 if the statement was an oral statement made by the victim
23 at a hearing open to the public.

24 (4-2) The crime victim has the right to submit a victim
25 statement to the Prisoner Review Board for consideration at
26 an executive clemency hearing as provided in Section 3-3-13

1 of the Unified Code of Corrections. A victim statement may
2 be submitted in writing, on film, videotape, or other
3 electronic means, or in the form of a recording prior to a
4 hearing, or orally at a hearing, or by calling the
5 toll-free number established in subsection (f) of this
6 Section. Victim statements provided to the Board shall be
7 confidential and privileged, including any statements
8 received prior to January 1, 2020 (the effective date of
9 Public Act 101-288) ~~this amendatory Act of the 101st~~
10 ~~General Assembly~~, except if the statement was an oral
11 statement made by the victim at a hearing open to the
12 public.

13 (5) If a statement is presented under Section 6, the
14 Prisoner Review Board or Department of Juvenile Justice
15 shall inform the victim of any order of discharge pursuant
16 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
17 Corrections.

18 (6) At the written or oral request of the victim of the
19 crime for which the prisoner was sentenced or the State's
20 Attorney of the county where the person seeking parole or
21 aftercare release was prosecuted, the Prisoner Review
22 Board or Department of Juvenile Justice shall notify the
23 victim and the State's Attorney of the county where the
24 person seeking parole or aftercare release was prosecuted
25 of the death of the prisoner if the prisoner died while on
26 parole or aftercare release or mandatory supervised

1 release.

2 (7) When a defendant who has been committed to the
3 Department of Corrections, the Department of Juvenile
4 Justice, or the Department of Human Services is released or
5 discharged and subsequently committed to the Department of
6 Human Services as a sexually violent person and the victim
7 had requested to be notified by the releasing authority of
8 the defendant's discharge, conditional release, death, or
9 escape from State custody, the releasing authority shall
10 provide to the Department of Human Services such
11 information that would allow the Department of Human
12 Services to contact the victim.

13 (8) When a defendant has been convicted of a sex
14 offense as defined in Section 2 of the Sex Offender
15 Registration Act and has been sentenced to the Department
16 of Corrections or the Department of Juvenile Justice, the
17 Prisoner Review Board or the Department of Juvenile Justice
18 shall notify the victim of the sex offense of the
19 prisoner's eligibility for release on parole, aftercare
20 release, mandatory supervised release, electronic
21 detention, work release, international transfer or
22 exchange, or by the custodian of the discharge of any
23 individual who was adjudicated a delinquent for a sex
24 offense from State custody and by the sheriff of the
25 appropriate county of any such person's final discharge
26 from county custody. The notification shall be made to the

1 victim at least 30 days, whenever possible, before release
2 of the sex offender.

3 (9) In a case of domestic violence as defined in
4 Section 112A-3 of the Code of Criminal Procedure of 1963,
5 the warden or other official in charge of a county jail,
6 county department of corrections, municipal house of
7 correction, or municipal lockup, or his or her designee,
8 shall immediately notify the crime victim of the
9 defendant's release from custody.

10 (e) The officials named in this Section may satisfy some or
11 all of their obligations to provide notices and other
12 information through participation in a statewide victim and
13 witness notification system established by the Attorney
14 General under Section 8.5 of this Act.

15 (f) The Prisoner Review Board shall establish a toll-free
16 number that may be accessed by the crime victim to present a
17 victim statement to the Board in accordance with paragraphs
18 (4), (4-1), and (4-2) of subsection (d).

19 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
20 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)